

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/23/10**

-----X  
SHERIF AHAMED,

Plaintiff,

-v.-

DORA SCHRIRO, Commissioner, et al.,

Defendants.

**REPORT AND  
RECOMMENDATION  
TO THE HONORABLE  
PAUL A. CROTTY**

09 Civ. 10327 (PAC)(FM)

-----X  
**FRANK MAAS**, United States Magistrate Judge.

In this action, which is one of many similar suits, the pro se plaintiff complains that he was improperly strip searched while at Rikers Island. The complaint was filed on December 21, 2009. A docket entry on January 27, 2010, indicates that the Court sent the Rule 4 service package to the plaintiff at Rikers Island. Additionally, FedEx confirms that the institution received the package on January 29, 2010. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, the deadline for service therefore was April 21, 2010.

Because the plaintiff failed to return the necessary documentation to the Marshal's Service, I issued an order on September 1, 2010, which directed the Pro Se Office to issue a supplemental summons, and required the plaintiff to have the supplemental summons and complaint promptly served on the defendants. Although the order was mailed to the plaintiff's last known address of record, it was returned to the Court marked "RTS," i.e., Return to Sender.

In an effort to locate the plaintiff, my Chambers checked both the New York City Department of Correction and the New York State Department of Correctional Services on-line prisoner locator services, (<http://a072-web.nyc.gov/inmatelookup/inmateLookup.do>;

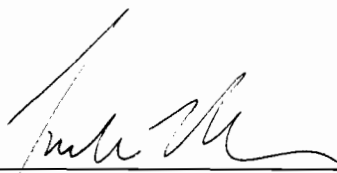
<http://nysdocslookup.docs.state.ny.us/kinqw00> ), with negative results. Accordingly, because the plaintiff has failed to provide the Court with his current address, there is no way to contact him.

In these circumstances, I recommend that this case be dismissed without prejudice. Out of an excess of caution, I am sending a copy of this Report and Recommendation to the plaintiff's last known address at Rikers Island, although it appears certain that he no longer is there.

Notice of Procedure for Filing of Objections to this Report and Recommendation

The plaintiff shall have fourteen days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a) and (e). Any such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Paul A. Crotty, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and to the chambers of the undersigned, at the United States Courthouse, 500 Pearl Street, New York, New York 10007. Any requests for an extension of time for filing objections must be directed to Judge Crotty. The failure to file timely objections will result in a waiver of those objections for purposes of appeal. See Thomas v. Arn, 474 U.S. 140 (1985); Fed. R. Civ. P. 6(a), 6(e), 72(b).

DATED: September 22, 2010  
New York, New York

  
FRANK MAAS  
United States Magistrate Judge

Copies to:

Honorable Paul A. Crotty  
United States District Judge

Sherif Ahamed  
141-09-11582  
OBCC  
1600 Hazen Street  
East Elmhurst, New York 11370